

REMARKS

Applicants wish to point out that the currently pending claims in this application are identical with those of the corresponding PCT application (PCT/US2005/001820) filed on January 19, 2005. It should be noted that the examiner for the present application is the same examiner who examined corresponding the PCT application. In examining the corresponding PCT application, Examiner Kruer considered all of the PCT claims to be novel, inventive, and having inventive step in view of Applicant's same arguments against the same references as presently cited, namely Appelt et al. and Fenoglio et al. It is respectfully urged that examiner's current rejection of the present claims under 35 U.S.C. 103 shows an inconsistency in reasoning, and that the final rejection of these claims should be withdrawn. Applicants submit that the currently pending claims are in condition for allowance.

The Examiner has rejected claims 1-13, 15, 18-33, 37-42, 47 under 35 U.S.C. 103 over Appelt et al., in further view of Fenoglio et al. The Examiner takes the position that it would have been obvious to replace a polyimide layer of Appelt's structure with one of Fenoglio's polyamide-imide layers in order to obviate the presently claimed structure requiring a central layer which possibly comprises an aromatic polyamide. It is urged that there is no teaching in the references which would inspire one skilled in the art to do so.

The present claims are directed to a multilayered construction suitable for forming capacitors which is formed by a process which comprises:

- a) applying a first thermosetting polymer layer onto a surface of a first electrically conductive layer;
- b) applying a central polymerizable layer onto a surface of the first thermosetting polymer layer, which central polymerizable layer comprises a polymerizable precursor of a polyethylene terephthalate, a polyethylene naphthalate, a polyvinyl carbazole, a polyphenylene sulfide, *an aromatic polyamide*, a polyether-nitrile, a polyether-ether-

ketone, or combinations thereof;

c) applying a second thermosetting polymer layer onto a surface of a second electrically conductive layer; thereafter

d) attaching the first electrically conductive layer to the second electrically conductive layer such that each of the first and second thermosetting polymer layers and the central polymerizable layer are positioned between the first and second electrically conductive layers; and thereafter

e) polymerizing said polymerizable layer;

wherein each of said first thermosetting polymer layer, said second thermosetting polymer layer and said central polymerizable layer optionally further comprises a filler material.

Appelt fails to teach the structure of the present invention which includes a central polymerizable layer as presently claimed. Specifically, Appelt fails to teach a central polymerizable layer which may comprise an *aromatic polyamide*. While Fig. 5B of Appelt does show an embodiment having five layers, this embodiment includes only a sheet of a *polyimide* between two dielectric layers 13. Applicants submit that not only would none of the presently required polymerizable precursor materials for the central polymerizable layer are disclosed by Appelt, but also the word "polyamide" does not appear anywhere in Appelt's disclosure. It is further urged that none of the presently claimed materials would satisfy the polyimide layer of Appelt.

In an attempt to fill the voids of Appelt, the Examiner cites Fenoglio. This reference teaches the formation of new soluble, film-forming polyamides, polyimides and polyamide-imides and their copolymers made using 3,5-diamino-t-butylbenzene (DATB). The Examiner takes the position that it would be obvious to substitute one of Fenoglio's polyamide-imides for Appelt's polyimide layer, and that such a substitution would obviate the present claims. Applicants strongly urge that this rationale is unfounded. It is first urged that Fenoglio does not disclose a specific use of their material in capacitors as taught by Appelt or the present invention. The only mention of a capacitor in Fenoglio is in the testing of moisture absorption measurements in one of their

examples. Also, Applicants submit that there is no teaching or suggestion in the cited art which provides a motivation to substitute a polyamide-imide for the polyimide of Appelt's structure in order to obviate an aromatic polyamide-containing structure. The Examiner seems to be going to great lengths to cite art relating to a variety of polymer layer materials, and to substitute one material for the next in his effort to piece together a structure of the present claims. When selective combination of prior art references is needed to make an invention seem obvious, there must be something in the art to suggest that particular combination other than hindsight gleaned from the invention itself, something to suggest the desirability of the combination. Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434, 1438 (CAFC 1988). In this case, the Examiner has not provided any advantages of substituting Appelt's polyimide layer with Fenoglio's polyamide-imide layer. Therefore, Applicants respectfully urge that the Examiner is impermissibly reconstructing the art in light of the present disclosure.

It is further urged that it would not have been obvious for one skilled in the art to use the newly formed materials of Fenoglio in an effort to replace either of the polyimide of Appelt or the aromatic polyamide of the present claims. Fenoglio states that their newly formulated polyamides, polyimides and polyamide-imides exhibit different properties than conventional polyamides, polyimides and polyamide-imides. They assert that conventional polyamides, polyimides, and polyamide-imides do not exhibit the low dielectric constant and reduced moisture uptake shown by other polymers. See col. 1, lines 32-39. In addition, Fenoglio states that conventional polyamides, polyamide-imides and polyimides are generally insoluble even in solvents like N-methyl pyrrolidone (NMP) or dimethyl acetamide (DMAC). See col. 1, lines 42-47. Fenoglio's new materials are taught to be at least partially soluble.

Fenoglio's materials have clearly different properties than conventional polyamides, polyamide-imides and polyimides, and it is urged that one skilled in the art would not substitute one for the other without expecting some difference in result. Accordingly, it is urged that there is *nothing* in either cited reference which shows that the incorporation of one of Fenoglio's newly formulated polyamide-imides would or could be successful in

the place of Appelt's polyimide, nor that Appelt's structure would even be compatible with such a material.

For the above reasons, it is submitted that it would not have been obvious to combine the teachings of Appelt and Fenoglio in an effort to devise the present invention. It is therefore respectfully requested that the 35 U.S.C. 103 rejection be withdrawn.

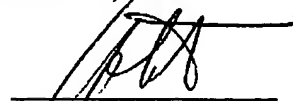
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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Date: March 10, 2006

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 571-273-8300) on March 10, 2006.



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